

1 COHO CONSIDERATIONS, 1999

2 Proposed Rule Language

3 TEXT OF MODIFIED REGULATIONS

4 [Notice circulated July 21, 2000]

5 **Amend 14 CCR § 895.1 Definitions**

6 [amend the following definition in appropriate alphabetical listing]

7 **Alternative 1**

8 "Plan" means:

9 (a) Timber Harvesting Plan (THP) as described in PRC 4582.

10 (b) Nonindustrial Timber Management Plan (NTMP) as described in PRC

11 4593.2(e).

12 ~~(c) Sustained Yield Plan (SYP) as described in 14 CCR 1091.1 and~~

13 ~~1091.2.~~

14 ~~(d)~~(c) Program Timber Harvesting Plan (PTHP) as described in 14 CCR

15 1092 and 1092.1.

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17 Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6,
18 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code. Reference: Sections
19 4512, 4513, 4526, 4551, 4561, 4561.6, 4562, 4562.5, 4562.7, 4583.2, 4591.1,
20 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA
21 Guidelines Appendix K (printed following Section 15387 of Title 14 Cal. Code
22 of Regulations), and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246
23 Cal.Rptr. 82.
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25

1 Amend 14 CCR §§ 916.4, 936.4, and 956.4 Watercourse and Lake Protection

3 SUBSECTION (a) ALTERNATIVE 3 (from Interim Committee discussions)

4 (a) The RPF or supervised designee shall conduct a field examination of
5 all lakes and watercourses and shall map all lakes and watercourses which
6 contain or conduct Class I, II, III or IV waters.

7 (1) As part of this field examination, the RPF or supervised designee
8 shall evaluate areas near, and areas upslope of with the potential to directly
9 impact, watercourses and lakes for sensitive conditions including, but not
10 limited to, use of existing and proposed roads, skidtrails and landings within
11 the standard WLPZ width, unstable and erodible watercourse banks, unstable
12 upslope areas, degraded riparian forest, debris jam potential, inadequate flow
13 capacity, and changeable channels, overflow channels, and flood prone areas,
14 and riparian zones wherein the values set forth in 14 CCR §§ 916.4(b),
15 936.4(b), and 956.4(b) are impaired. The RPF shall consider these conditions,
16 and those measures needed to maintain, and restore to the extent feasible, the
17 functions set forth in 14 CCR §§ 916.4(b), 936.4(b), and 956.4(b), when
18 proposing WLPZ widths and protection measures, including retention and
19 restoration of sustainable riparian forest. The ~~TWP~~ or other planning document
20 plan shall identify such conditions, including where they may interact with
21 proposed timber operations, to that individually or cumulatively significantly
22 and adversely affect the beneficial uses of water, and shall describe and
23 locate measures to protect and restore to the extent feasible, the beneficial
24 uses of water. In proposing, reviewing, and approving such measures,
25 preference shall be given to measures that are onsite, or to offsite measures

1 where sites are located to maximize the benefits to the impacted portion of a
2 watercourse or lake.

3 (2) As part of this field examination, the RPF or supervised designee
4 shall map the location of spawning and rearing habitat for anadromous
5 salmonids, and the condition of the habitat shall be evaluated using habitat
6 typing at a minimum of Level II as defined in Department of Fish and Game
7 publication "California Salmonid Stream Habitat Restoration Manual", Flossi, et
8 al., 1998. The opportunity for habitat restoration shall be described within
9 the plan for each Class I watercourse, and for each Class II watercourse that
10 can be feasibly restored to a Class I.

11 (3) The mapping of conditions identified subsection (a)(1) and (a)(2)
12 above, and their protective measures, shall be sufficiently clear and detailed
13 to permit the Director and the other review team representatives to evaluate
14 the potential environmental impacts of timber operations, the proposed
15 mitigation measures and the proposed restoration measures.

16 (4) The mapping of conditions identified subsection (a)(1) and (a)(2)
17 above, and their protective measures, shall be sufficiently clear and detailed
18 to provide direction and clear guidance to the timber operator.

19 (5) The mapping of ~~these identified~~ conditions identified in 14 CCR §
20 916.4 [936.4, 956.4] subsections (a)(1) and (a)(2), and their protective and
21 restoration measures, ~~shall~~ should be done at a scale of 1:2,400 ~~at least~~
22 1":200'. In site-specific cases, the mapping of critical locations of
23 corrective work and logging operation impacts shall be done at a scale of at
24 least 1:240 1":20' when the Director determines it is necessary to evaluate the
25 plan.— The evaluation and mapping shall, at a minimum, include the known
location and restorable extent of spawning and rearing habitat of both

~~anadromous and resident salmonids. Habitat typing for all current and restorable habitat for these fish species shall be part of the plan. The RPF(s) and supervised designee(s) that perform the described tasks shall be adequately trained in the required identification, evaluation, mitigation, and mapping skills.~~

(6) One set of photocopies of recent stereo aerial photographs of the plan area may be required by the Director.

~~(67) The RPF(s) that prepares the plan shall not perform or supervise the performance of those tasks described in 14 CCR § 916.4 [936.4, 956.4] subsection (a)(1) through (a)(5) for which he or she is not competent by training or experience to perform pursuant to 14 CCR § 1602(b).~~

(b) The standard width of the WLPZ and/or the associated basic protection measures shall be determined from Table I (14 CCR 916.5), [936.5, 956.5] or Section 916.4(c) [956.4(c), 956.4(c)], and shall be stated in the ~~THP, NTMP, or SYP plan~~. A combination of the rules, the ~~THP, NTMP, or SYP plan~~, and mitigation measures shall provide protection for the following:

- a. Water temperature control.
 - b. Streambed and flow modification by large woody debris.
 - c. Filtration of organic and inorganic material.
 - d. Upslope stability.
 - e. Bank and channel stabilization.
 - f. Spawning and rearing habitat for salmonids
 - g. Vegetation structure diversity for fish and wildlife habitat,
- possibly including but not limited to:

- | | | |
|---|----------------------------------|------------------------------|
| 1 | 1. Vertical diversity | 5. Microclimate modification |
| 2 | 2. Migration corridor | 6. Snags |
| 3 | 3. Nesting, roosting, and escape | 7. Surface cover |
| 4 | 4. Food abundance | |

5
6 (1) Measures and the appropriate zone widths for the protection of the
7 State's waters which have been taken from Table I (14 CCR 916.5), [936.5,
8 956.5] or developed under Section 916.4(c) [936.4(c), 956.4(c)] shall be
9 stated in the THP.

10 (2) All timber operations shall conform to the marking, flagging and
11 other identification of protective measures specified in CCR 916.4 [936.4,
12 956.4] and 916.5 [936.5, 956.5] and the THP. Conformance shall be determined
13 based on the evaluation of no less than a 200 foot lineal segment of each
14 watercourse or lake.

15 (3) The width of the WLPZ shall be measured along the surface of the
16 ground from the watercourse or lake transition line or in the absence of
17 riparian vegetation from the top edge of the watercourse bank.

18 (4) Slopes shall be measured in percent for the proposed WLPZ. If
19 topography within the proposed WLPZ is variable, segments of the proposed
20 WLPZ should be segregated by slope class as indicated in Table I 14 CCR 916.5
21 [936.5, 956.5].

22 (5) If requested by either party, and after on-the-ground inspection,
23 the RPF and the Director may increase or decrease the width of a proposed
24 WLPZ. A decrease shall not exceed 25 percent of the width as determined by
25 the procedure prescribed in Sections 14 CCR 916.4(c) [936.4(c), 956.4(c)],
and 916.5 [936.5, 956.5]. Such changes in zone width shall be based on
considerations of soil, slope, climatic factors, biologic, hydrologic, and
geologic values listed in Section 14 CCR 916.4(b) [936.4(b), 956.4(b)],
silvicultural methods, yarding systems, road location, and site preparation
activities. In no case shall the width be adjusted to less than 50 feet for
Class I and II waters. Where soil surfaced roads exist within the standard
WLPZ, no in-lieu reduction of WLPZ width shall be approved.

(6) Within the WLPZ, at least 75% surface cover and undisturbed area
shall be retained to act as a filter strip for raindrop energy dissipation,
and for wildlife habitat. This percentage may be adjusted to meet site
specific conditions when proposed by the RPF and approved by the Director or
where broadcast burning is conducted under the terms of a project type
burning permit and in compliance with 14 CCR 915.2(b) [935.2(b), 955.2(b)].

(c) The protection and WLPZ widths for Class III and Class IV waters
shall prevent the degradation of the downstream beneficial use of water and
shall be determined on a site-specific basis.

(1) Where operations occur adjacent to Class III watercourses, the RPF
shall designate in the THP an equipment limitation zone (ELZ) of at least 25
feet where sideslope steepness is less than 30% and at least 50 feet where
sideslope steepness is 30% or greater unless explained and justified
otherwise in the THP and approved by the director. Class III watercourses

1 within logging areas where the EHR is Low and the slopes are less than 30%
2 shall not require an ELZ unless proposed by the RPF or required by the
3 Director. The RPF shall describe the limitations on the use of heavy
4 equipment in the THP. Where appropriate to protect the beneficial uses of
5 water the RPF shall describe additional protection measures which may include
6 surface cover retention, vegetation protection and timber falling
7 limitations. The location of the areas of heavy equipment use in any ELZ
8 shall be clearly described in the plan, or flagged or marked on the ground
9 before the preharvest inspection. When necessary to protect the beneficial
10 use of water, the RPF shall designate and the Director may require a WLPZ for
11 Class III and Class IV waters or an ELZ for Class IV waters.

(2) The width of the WLPZ for Class III and IV waters shall be
determined from on-site inspection. Minimum protective measures required
when Class III and Class IV protection zones are necessary are contained in
Table I 14 CCR 916.5 [936.5, 956.5].

(3) Soil deposited during timber operations in a Class III watercourse
other than at a temporary crossing shall be removed and debris deposited
during timber operations shall be removed or stabilized before the conclusion
of timber operations, or before October 15. Temporary crossings shall be
removed before the winter period, or as approved by the Director.

(4) When approved by the Director on an individual plan basis as
provided in Section 14 CCR 916.4(c)(1) [936.4(c)(1), 956.4(c)(1)] Class IV
waters shall be exempted from required protection when such protection is
inconsistent with the management objectives of the owner of the manmade
watercourse.

(d) Heavy equipment shall not be used in timber falling, yarding, or
site preparation within the WLPZ unless such use is explained and justified
in the THP and approved by the Director.

(e) Flagging for heavy equipment use within the WLPZ adjacent to Class
I waters and for all tractor road watercourse crossings of all watercourses
must be completed before the preharvest inspection if one is conducted or
start of operations, whichever comes first. Flagging for heavy equipment
use within the WLPZ adjacent to Class II, III and IV waters may be done at
the option of the RPF or as required by the Director on a site-specific
basis.

(f) Subsection (d) does not apply to (1)-(4) below. Subsection (e)
does not apply to (2)-(4) below.

(1) At prepared tractor road crossings as described in 914.8(b)
[934.6(b), 954.8(b)].

(2) Crossings of Class III watercourses which are dry at the time of
timber operations.

(3) At existing road crossings.

(4) At new tractor and road crossings approved as part of the Fish and
Game Code Process (F&GC 1600 et seq.).

Note: Authority cited: Sections 4551, 4553, 4562.7 and 21000(g), Public
Resources Code. Reference: Sections 4512, 4513, 4551.5 and 21001(f), Public
Resources Code; Sections 1600 and 5650(c), Fish and Game Code; Sections 100,
13000 and 13050(f), Water Code, and 33 USC Section 1288(b)(2)(F).

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